

**BOARD OF  
SELECTMEN  
MEETING  
MINUTES**

**May 5, 2015**

Town Hall

Chairman Robert J. Fleming; Selectman Kenneth Picard; Selectman James Brochu; Town Manager, Blythe C. Robinson; Executive Assistant, Sandra Hakala

1 The meeting was called to order at 6:00pm. Chairman Fleming opened the meeting and after the  
2 pledge of allegiance reviewed the agenda.

3  
4 **REORGANIZATION OF THE BOARD**

5  
6 **Motion #1:** Member Fleming motioned to appoint Sandra Hakala, Executive Assistant as  
7 temporary Chair for the purpose of reorganizing the Board of Selectmen.

8  
9 Second: Member Picard, Unanimous Member Brochu.

10  
11 Temporary Chair Hakala opened the nominations for Chairman of the Board of Selectmen and  
12 asked if there are any nominations.

13  
14 **Motion # 2:** Member Brochu made a motion to nominate Ken Picard as Chairman of the Board  
15 of Selectmen.

16  
17 Second: Member Fleming, Majority Action of the Board.

18  
19 Temporary Chair Hakala asked if there are any other nominations. Hearing none the temporary  
20 Chair then closed nominations and asked for a motion to appoint Ken Picard as Chairman of the  
21 Board of Selectmen.

22  
23 **Motion # 3:** Member Brochu motioned to appoint Ken Picard as Chairman of the Board of  
24 Selectmen.

25  
26 Second: Member Fleming, Majority Action of the Board.

27  
28 **Motion # 4:** Chairman Picard motioned to rescind the former motion appointing Sandra Hakala  
29 as Temporary Chair for the purpose of reorganizing the Board.

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31 Second: Member Fleming, Unanimous Member Brochu.

32  
33 The Board congratulated Chairman Picard and wishes him well.

34  
35 **INVITED GUESTS**

36  
37 **Public Hearing – Pole Location**

38 The subdivision called Hartford Highlands (located off Hartford Avenue South) is moving  
39 forward and with it a request by National Grid for a pole location hearing to locate the utilities  
40 going into this development.

41 Chairman Picard proceeded to open a Public Hearing at 6:15PM pertaining to the Petition by  
42 National Grid seeking approval to relocate pole#43 30'+/- to the north easterly direction to  
43 accommodate new Hartford Highlands development.

44  
45 Dana Larson was in attendance representing National Grid to answer questions from the Board.

46  
47 DPW has reviewed the location and has no issue with the relocation. Chairman Picard asked if  
48 there were any questions. There were none. The hearing was closed at 6:13PM.

49  
50 **Motion #5:** Motion made by Selectman Fleming that the Town of Upton grants permission to  
51 National Grid to relocate pole#43 30'+/- to the north easterly direction to accommodate new  
52 Hartford Highlands development.

53  
54 Second: Selectman Brochu, Unanimous: Chairman Picard.

55  
56 **MINUTES**

57  
58 **Motion #6:** Motion made by Selectman Brochu to approve the April 21, 2015 Regular Session  
59 Meeting Minutes as submitted.

60  
61 Second: Selectman Fleming, Unanimous Chairman Picard.

62  
63 **Motion #7:** Motion made by Selectman Brochu to approve the April 28, 2015 Regular Session  
64 Meeting Minutes as submitted.

65  
66 Second: Selectman Fleming, Unanimous Chairman Picard.

67  
68 **Aquatic Weed Control Committee**

69 Mr. Pedersen was in attendance to present a request for funding necessary to treat Lake  
70 Wildwood for weed control. Marc Bellaud, President/Aquatic Biologist of Aquatic Control  
71 Technology was also present to go over the details of this request.

72  
73 All agreed treatment was necessary but were concerned that the financial aspect was not  
74 considered in a timely manner. Therefore the Selectmen asked Mr. Peterson to confer with CPC  
75 to see if CPA funds could be utilized and a funding request be submitted for the Fall Special  
76 Town Meeting so that in the spring of 2016 treatments could commence during the most  
77 effective period.

78  
79 The Selectmen will consider using beautification funds for treatment now and asked the Town  
80 Manager to ascertain if this is appropriate use of the fund.

81  
82 **MANAGER'S REPORT**

83 Construction will begin next week on the renovation of the tennis and basketball courts at  
84 Kiwanis Beach. Vermont Recreation was contracted for this work after a public bid process  
85 conducted in late winter. The work is anticipated to be complete (weather permitting) by June  
86 20th. The fire pit built through the efforts of an eagle scout is almost complete.

87 The contracted paving company will be present on Hopkinton Road and High Streets milling and  
88 paving several sections that are in poor condition. The “winter recovery pothole funds” released  
89 by the Governor this year for this purpose will be used. Signage warning drivers of delays have  
90 been placed. An agreement with National Grid will cover most or all of the cost to repair the  
91 damage done to Westborough Road this winter with the downed wire.

92  
93 The Police Department and school administration took appropriate action to notify all involved  
94 in an incident of a student creating a list of other students he may have wished to do harm. This  
95 will result in quite a lengthy task for our police department to interview all sixty students and  
96 their parents as we move through the next phase of criminal charges.

97  
98 Applications have closed on the two open employment positions – Water/Wastewater Supervisor  
99 and Heavy Equipment Mechanic.

100  
101 The House side of the State legislature has adopted its budget for FY 15/16 and is generally  
102 favorable to Upton. Most of the Governor’s budget proposals have been adopted by the House,  
103 but adding to that are more dollars for Chapter 70, regional school transportation, and special  
104 education. The total increase to MURSD with the house version is \$148,464. Non-education  
105 items that are important to us include an increase of \$10 million for CPA communities, and  
106 legislation to require insurance companies to reimburse ambulance companies rather than the  
107 patients they transport.

108  
109 This year the Central Massachusetts Regional Storm Water Coalition won the first annual  
110 “Stormy” award from the New England Stormwater Collaborative for the “Best Stormwater Idea  
111 in New England” by working together to improve the treatment for storm water amongst all of  
112 the towns which includes Upton.

113  
114 The “TIP” project of road work to Hopkinton Road/High Street & Hartford Avenue North  
115 continues to inch forward. The State’s Chief Engineer signed off on the Design Exception  
116 Report (DER) which was the waiver from having to put sidewalks on both sides of the roadway.  
117 The paperwork now goes to the Secretary of Transportation, and after that the 25% design public  
118 hearing can be scheduled.

119  
120 The Town Manager attended a Mass. Manager’s meeting at which Geoff Beckwith from the  
121 MMA gave an update on various items from Beacon Hill; Governor Baker has eased the  
122 permitting process for medical marijuana facilities that require site pharmacies which is less  
123 onerous than the regulations under the previous administration. Mr. Beckwith noted that when  
124 the original legislation was passed it allowed for just 35 facilities state wide in the first year. The  
125 recommendation to all communities is that if a town has not adopted a bylaw as to where these  
126 facilities can and cannot be sited is in place they should.

127  
128 Warmer weather is expected next week and with it the startup of the air conditioning system at  
129 Town Hall.

130  
131 **DISCUSSION ITEMS**

132

133 Joint Election for Board of Assessor's Open Position  
134 In March, after the date had passed for residents to take out papers to run for open positions  
135 Theresa Ambrosino notified us that she was resigning her position on the Board of Assessors.  
136 Thus that position was not on the ballot for residents to vote on. James Earl submitted a letter of  
137 interest to fill the vacancy for one year until it can appear on the ballot.

138  
139 A joint election with the member of the Board of Assessors followed.

140  
141 Assessor Fowler nominated James Earl

142  
143 Second: Selectmen Fleming

144  
145 Chairman Picard asked those in favor to elect James Earl

146  
147 Selectmen Brochu aye, Selectman Fleming aye, Chairman Picard aye, Assessor Fowler aye

148  
149 Unanimous

150  
151 Vote to Appoint Associate Member of the Planning Board

152 The Associate Member of the Planning Board is a two year position that is jointly appointed by  
153 the Board of Selectmen and Planning Board. The process to do this is for each Board member to  
154 vote on the candidate they would like to see appointed, and then the Town Clerk will count those  
155 votes to determine who will serve. This year there are two candidates for the position, William  
156 Tessmer who has been serving over the last few years, and Richard Whitehouse. The Selectmen  
157 each completed a ballot which was given to the Town Clerk.

158  
159 Discuss the Special & Annual Town Meeting Motions for May 7, 2015

160 Chairman Picard will determine which member will be handling each motion for the Board  
161 should questions arise from the floor.

162  
163 Review Ethics Disclosure Statement – Patrick Roche

164 It was brought the Town Manager attention recently that a resident had a concern about a  
165 possible conflict of interest by Mr. Roche regarding the Rockwood Meadows subdivision. After  
166 investigating the matter and discussing it with Town Counsel, Mr. Roche has submitted the  
167 attached ethics disclosure form. No action is required from the Board regarding the disclosure,  
168 but in the interest of transparency since it was brought forward by a citizen Ms. Robinson  
169 included it on the agenda.

170  
171 Motion to Appoint Two Part-Time Communications Officers

172 In recent months two part-time Communications Officers have left their positions. These  
173 positions are very part-time, working one scheduled shift a month and filling in for full-time  
174 employees who may be on vacation or out sick. The Selectmen reviewed the recommendation  
175 from the Chief to which the Town Manager concurred. They also asked Palmieri to file an ethics  
176 disclosure form.

177

178 **Motion #8:** Motion made by Selectman Brochu to affirm the recommendation by the Town  
179 Manager, Blythe Robinson and Chief Bradley to appoint Justin Kuras to the position of  
180 Communications Officer waiving the 15 day waiting period.

181  
182 Second: Selectman Fleming, Unanimous Chairman Picard.

183  
184 **Motion #9:** Motion made by Selectman Brochu to affirm the recommendation by the Town  
185 Manager, Blythe Robinson and Chief Bradley to appoint Mary Ellen Palmieri to the position of  
186 Communications Officer waiving the 15 day waiting period.

187  
188 Second: Selectman Fleming, Unanimous Chairman Picard.

189  
190 Motion to Approve Year End Transfers

191 The Selectmen reviewed a list of requests for year-end transfers which were agreed upon by the  
192 Finance Committee.

193  
194 **Motion #10:** Motion made by Selectman Brochu to approve the FY 14-15 end of year  
195 TRANSFER #1 \$500 Printing to Town Clerk Expense.

196  
197 Second: Selectman Fleming, Unanimous Chairman Picard.

198  
199 **Motion #11:** Motion made by Selectman Brochu to approve the FY 14-15 end of year  
200 TRANSFER #2 \$2,000 from Insurance to Medical Testing.

201  
202 Second: Selectman Fleming, Unanimous Chairman Picard.

203 **Motion #12:** Motion made by Selectman Brochu to approve the FY 14-15 end of year  
204 TRANSFER #3 \$2,000 Town Bldg Expense to Fire Vehicle Maintenance.

205  
206 Second: Selectman Fleming, Unanimous Chairman Picard.

207  
208 **Motion #13:** Motion made by Selectman Brochu to approve the FY 14-15 end of year  
209 TRANSFER #4 \$3,000COA Expenses to Fire Department Utilities.

210  
211 Second: Selectman Fleming, Unanimous Chairman Picard.

212  
213 **Motion #14:** Motion made by Selectman Brochu to approve the FY 14-15 end of year  
214 TRANSFER #5 \$2,500 Fire New Equipment to Fire Building Maintenance.

215  
216 Second: Selectman Fleming, Unanimous Chairman Picard.

217  
218 **Motion #15:** Motion made by Selectman Brochu to approve the FY 14-15 end of year  
219 TRANSFER #6 \$800 DPW Fuel to DPW Parks Fuel.

220  
221 Second: Selectman Fleming, Unanimous Chairman Picard.

222

223 **Motion #16:** Motion made by Selectman Brochu to approve the FY 14-15 end of year  
224 TRANSFER #7\$3,000 DPW Construction Services to Oiling/Paving.

225  
226 Second: Selectman Fleming, Unanimous Chairman Picard.

227  
228 **Motion #17:** Motion made by Selectman Brochu to approve the FY 14-15 end of year  
229 TRANSFER #8 \$500 Veterans Benefits to Veterans Expense.

230  
231 Second: Selectman Fleming, Unanimous Chairman Picard.

232  
233 **Motion #18:** Motion made by Selectman Brochu to approve the FY 14-15 end of year  
234 TRANSFER #9 \$1,232.00 Police Cruiser to Police Wages.

235  
236 Second: Selectman Fleming, Unanimous Chairman Picard.

237  
238 **Motion #19:** Motion made by Selectman Brochu to approve the FY 14-15 end of year  
239 TRANSFER ##10 \$3,768 Cruiser Gas to Police Wages.

240 Second: Selectman Fleming, Unanimous Chairman Picard.

241  
242 **Motion #20:** Motion made by Selectman Brochu to approve the FY 14-15 end of year  
243 TRANSFER #11\$2,000 Personnel Board Merit to DPW Building Maintenance.

244  
245 Second: Selectman Fleming, Unanimous Chairman Picard.

246  
247 **Motion #21:** Motion made by Selectman Brochu to approve the FY 14-15 end of year  
248 TRANSFER #12 \$1,750Town Town Building Expense to Elections/Town Meetings.

249  
250 Second: Selectman Fleming, Unanimous Chairman Picard.

251  
252 *Discuss Reductions to the 2015/2016 Budget*

253 Passage of the budget proposed by the Board and recommended by the Finance Committee  
254 requires a Proposition 2 ½ override of \$1,391,632. The Board has decided to delay a vote on the  
255 budget (Article #3) from the May 7th meeting until June 4th to learn what the outcome is of the  
256 override vote scheduled for May 18th. Together with the Finance Committee, it was decided  
257 that should our override fail, the Selectmen would not seek a second one, and if the MURSD  
258 School Committee decided to lower its budget to what is considered “level services”, the Town  
259 would still need to provide \$922,064 in additional funding.

260  
261 Should the question be asked of the Town at the ATM what the effect will be on the Town if the  
262 override does not pass the Town Manager provided a list of reductions that were discussed with  
263 the Finance Committee. The Town Manager also noted that these cuts do not need to go into  
264 effect if the override passes and if the School Committee decides to certify a budget lower than  
265 level services some of the budget cuts on this list could be taken off the list as well.

266  
267 **EXECUTIVE SESSION**

268 **Motion #22:** At 8:05pm Chairman Fleming opened the Executive Session under MGL c.30A, S.  
269 21 exceptions #3: to discuss strategy sessions with respect to collective bargaining if the chair  
270 declares an open meeting will have a detrimental effect on the Town's bargaining position.

271

272 Poll taken: James Brochu, aye, Kenneth Picard, aye, Robert Fleming aye.

273

274 **ADJOURN MEETING**

275

276 **Motion #9:** At 8:17pm motion was made by Selectman Brochu to adjourn the regular meeting.

277

278 Poll taken: Robert Fleming aye, James Brochu, aye, Kenneth Picard, aye.

279

280

281 Respectfully submitted,

282

283 Sandra Hakala

284 Executive Assistant